

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 430**

February 1, 2021

**SUMMARY OF BILL:** Requires a person convicted of facilitation of rape of a child or facilitation of aggravated rape of a child to serve 100 percent of the sentence imposed less a maximum of 15 percent sentence reduction credits. Requires such offenders to be sentenced to community supervision for life.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$84,600 Incarceration\***

Assumptions:

- Based on information provided by the Department of Correction (DOC), there have been zero admissions over the past ten years for facilitation of aggravated rape of a child.
- Any fiscal impact resulting from the requiring such offenders to serve at least 85 percent (100% - 15%) of an imposed sentence is estimated to be not significant.
- The average time served for facilitation of rape of a child is 7.12 years.
- Based on information provided by DOC, there has been an average of 0.6 admissions per year for facilitation of rape of a child over last five years.
- This analysis assumes individuals are sentenced to an average of 20 years for facilitation of rape of a child.
- The proposed legislation will result in each admission serving an estimated additional 9.88 years  $[(20 \times 85\%) - 7.12]$ .
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding 10 years in length surpass the window of this analysis.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 1,051.92 days  $[(10 - 7.12) \times 365.25]$ . The annualized increase in state incarceration expenditures is estimated to be \$84,637  $(\$80.46 \times 1,051.92 \times 1 \text{ offender})$ .
- Any impact to DOC resulting from requiring such offenders be sentenced to community supervision for life will be accomplished utilizing existing resources. Any fiscal impact is estimated to be not significant.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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